

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EDNA FRANCHINI and VALERIE SEALS,
*individually and on behalf of all others similarly
situated,*

Plaintiffs,

v.

ACCU-TIME SYSTEMS, INC.,

Defendant.

Case No. 1:21-cv-05075

Hon. Steven C. Seeger

**DEFENDANT ACCU-TIME SYSTEMS, INC.'S
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STAY THE PROCEEDINGS**

Pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Accu-Time Systems, Inc. (“ATS” or the “Company”), respectfully moves this Court for an Order dismissing, with prejudice, Plaintiffs’ Class Action Complaint (the “Complaint”). In particular, Plaintiffs’ Complaint should be dismissed because ATS lacks the requisite minimum contacts with Illinois for the Court to assert personal jurisdiction. Moreover, the Complaint should be dismissed because it fails to state a viable claim under the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”), as Plaintiffs have failed to allege any facts to support the conclusory allegations in the Complaint.

In the alternative, the Court should stay the proceedings until the Seventh Circuit issues its impending decision in *Cothron v. White Castle Systems, Inc.*, Case No. 20-3202 (7th Cir.), as the Court’s decision in *Cothron* will significantly impact the manner and scope in which this case proceeds, including with respect to the scope of any permitted discovery and the Court’s consideration of Plaintiffs’ pending Motion for Class Certification.

In support of this Motion, ATS files herewith a Memorandum of Law.

Respectfully submitted,

ACCU-TIME SYSTEMS, INC.

By: /s/ Sonya Rosenberg
One of Its Attorneys

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*Counsel for Defendant Accu-Time
Systems, Inc.*

Dated: November 1, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 1st day of November, 2021, electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send an e-mail notification of such filing to all counsel of record.

/s/ Alexis M. Dominguez